

CASQA Draft Industrial General Permit Hearing Testimony

August 21, 2013

Introductions

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CASQA Industrial Subcommittee

- Large (over 100) Multi-Disciplinary Group Of Experts
 - Industry (mining, landfills, auto dismantlers, recycling, aerospace, chemical mfg, petroleum)
 - Attorneys, Consultants, BMP Vendors
 - Municipalities (cities, counties)
 - Utilities
 - Academic Community

Industrial Subcommittee

- Appreciate the Effort and Significant Revision by the SWRCB since the 2012 Draft
 - Many positive changes
- Understand the SWRCB is looking for constructive comments, including suggested permit revisions language where appropriate
 - Redline/Strikeout recommendations to be provided in the written comment package
- Still a very complex, stringent permit that will have significant impact on industrial sites throughout California

Key Issues

- Numeric Action Limits
- Permit Registration Documents/Implementation Timeline
- Reporting
- TMDLs
- Minimum/Advanced BMPs
- Design Storm
- Instantaneous NALs/ERA Process
- Monitoring Program
- LID/Green Infrastructure

A Clear Process Satisfies CWA

- Diverse facilities and the nature of stormwater call for a permit establishing processes for compliance
- Use of a process to select and evaluate BMPs is appropriate to satisfy both technology based and water based effluent limit requirements
- Complying with detailed measures should clearly comply with the General Permit – this is the BMP regime satisfying BAT/BCT/BPT and WQBEL mandates

Numeric Action Levels

- Not defined in Clean Water Act or regulation
- If exceeding an action level mandates facility changes until the level is met, the level would be a “virtual effluent limit” – do or die – i.e. else a violation
- If EPA benchmarks are used, they must be consistent with EPA’s Multi-Sector General Permit, as evaluation tools in a process constituting compliance

Receiving Water Provisions

- Receiving Water Limits should include presumption that will be satisfied by following the BMP selection process. The triggered actions should be integrated.
- The phrase “or contribute” in “cause or contribute to exceedance” is not defined in regulation and USEPA struck it from the 2008 MSGP; the standard should be “cause.”

Total Maximum Daily Loads

- CASQA concurs with the general approach for incorporating TMDLs described in:
 - Findings 38-42
 - TMDL Requirements Section VII
- Clarification needed to “new discharger” provisions, pertaining to impaired water bodies.

Effective Date

- CASQA appreciates providing time before the effective date to ensure the QISP training program and SMARTS are functioning and a sufficient number of QISPs are trained to serve the industrial community
- However, we suggest an effective date of July 2015 to allow each season to be governed by a single permit (for training and reporting)

Permit Registration Documents

- Concerns with disclosure of detailed information posing security and proprietary information risks.
 - Suggest staying consistent with EPA MSGP and current IGP - onsite and available for review
- More appropriate to include general information filing/NOI, including summary information beyond 1997 permit NOI

Minimum/Advanced BMPs

- Clarify relationship of Minimum BMPs with new Advanced BMP section
- Advanced BMP required only when minimum BMPs found to be insufficient
- Footnote defining circumstances when minimum BMPs may not apply should be clarified and match MSGP language, "economic **practicability and** achievability."

Design Storm

- CASQA supports use of the 85th percentile, 24-hour storm as the Design Storm
- Methodology in the draft IGP is consistent with other Statewide General Permits and CASQA published guidance
- Modify to be triggered only when in ERA Level 2

Instantaneous NALs

- Goal to identify “hot spots” and drainage areas with recurring high value exceedances
- Current draft triggers ERA process with two exceedances from different facility outfalls
- Trigger should be based on multiple exceedances from the same drainage area

Monitoring/Analysis

- MDLs order of magnitude less than NAL values and cannot be met by many State Certified Laboratories
- Limit laboratories and potentially increase costs
- Use geometric mean for determination of annual average to reduce distortion from variability in storm water data

Consideration of LID

- Evaluate opportunities to incorporate LID/Green Infrastructure incentives
- Evaluating based on discharge concentrations overlooks, and potentially discourages LID
- Recognize value from volume/load reduction BMPs

Closing

- CASQA understands the technical complexities/challenges of developing a general industrial storm water permit and hope our comments are a useful mechanism in the refinement of the permit.
- Significant improvement, but still a complex Permit that will require industry to expend significant resources without providing compliance certainty.
- Thank you and we look forward to discussing our detailed comments once submitted.